
ENGROSSED SUBSTITUTE SENATE BILL 5942

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Commerce & Trade (originally sponsored by Senators Reardon, Hewitt, Prentice and Honeyford)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to licensing requirements for elevator mechanics
2 and contractors; amending RCW 70.87.010, 70.87.020, 70.87.030,
3 70.87.050, 70.87.060, 70.87.080, 70.87.110, 70.87.125, 70.87.170,
4 70.87.180, 70.87.220, 70.87.230, 70.87.240, 70.87.250, and 70.87.260;
5 creating a new section; prescribing penalties; and declaring an
6 emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 70.87.010 and 2002 c 98 s 1 are each amended to read
9 as follows:

10 For the purposes of this chapter, except where a different
11 interpretation is required by the context:

12 (1) "Owner" means any person having title to or control of a
13 conveyance, as guardian, trustee, lessee, or otherwise;

14 (2) "Conveyance" means an elevator, escalator, dumbwaiter, belt
15 manlift, automobile parking elevator, moving walk, and other elevating
16 devices, as defined in this section;

17 (3) "Existing installations" means an installation defined as an
18 "installation, existing" in this chapter or in rules adopted under this
19 chapter;

1 (4) "Elevator" means a hoisting or lowering machine equipped with
2 a car or platform that moves in guides and serves two or more floors or
3 landings of a building or structure;

4 (a) "Passenger elevator" means an elevator (i) on which passengers
5 are permitted to ride and (ii) that may be used to carry freight or
6 materials when the load carried does not exceed the capacity of the
7 elevator;

8 (b) "Freight elevator" means an elevator (i) used primarily for
9 carrying freight and (ii) on which only the operator, the persons
10 necessary for loading and unloading, and other employees approved by
11 the department are permitted to ride;

12 (c) "Sidewalk elevator" means a freight elevator that: (i)
13 Operates between a sidewalk or other area outside the building and
14 floor levels inside the building below the outside area, (ii) has no
15 landing opening into the building at its upper limit of travel, and
16 (iii) is not used to carry automobiles;

17 (d) "Hand elevator" means an elevator utilizing manual energy to
18 move the car;

19 (e) "Inclined elevator" means an elevator that travels at an angle
20 of inclination of seventy degrees or less from the horizontal;

21 (f) "Multideck elevator" means an elevator having two or more
22 compartments located one immediately above the other;

23 (g) "Observation elevator" means an elevator designed to permit
24 exterior viewing by passengers while the car is traveling;

25 (h) "Power elevator" means an elevator utilizing energy other than
26 gravitational or manual to move the car;

27 (i) "Electric elevator" means an elevator where the energy is
28 applied by means of an electric driving machine;

29 (j) "Hydraulic elevator" means an elevator where the energy is
30 applied by means of a liquid under pressure in a cylinder equipped with
31 a plunger or piston;

32 (k) "Direct-plunger hydraulic elevator" means a hydraulic elevator
33 having a plunger or cylinder directly attached to the car frame or
34 platform;

35 (l) "Electro-hydraulic elevator" means a direct-plunger elevator
36 where liquid is pumped under pressure directly into the cylinder by a
37 pump driven by an electric motor;

1 (m) "Maintained-pressure hydraulic elevator" means a direct-plunger
2 elevator where liquid under pressure is available at all times for
3 transfer into the cylinder;

4 (n) "Roped hydraulic elevator" means a hydraulic elevator having
5 its plunger or piston connected to the car with wire ropes or
6 indirectly coupled to the car by means of wire ropes and sheaves;

7 (o) "Rack and pinion elevator" means a power elevator, with or
8 without a counterweight, that is supported, raised, and lowered by a
9 motor or motors that drive a pinion or pinions on a stationary rack
10 mounted in the hoistway;

11 (p) "Screw column elevator" means a power elevator having an
12 uncounterweighted car that is supported, raised, and lowered by means
13 of a screw thread;

14 (q) "Rooftop elevator" means a power passenger or freight elevator
15 that operates between a landing at roof level and one landing below and
16 opens onto the exterior roof level of a building through a horizontal
17 opening;

18 (r) "Special purpose personnel elevator" means an elevator that is
19 limited in size, capacity, and speed, and permanently installed in
20 structures such as grain elevators, radio antenna, bridge towers,
21 underground facilities, dams, power plants, and similar structures to
22 provide vertical transportation of authorized personnel and their tools
23 and equipment only;

24 (s) "Workmen's construction elevator" means an elevator that is not
25 part of the permanent structure of a building and is used to raise and
26 lower workers and other persons connected with, or related to, the
27 building project;

28 (t) "Boat launching elevator" means (~~(an elevator, as defined by~~
29 ~~subsections (2) and (4) of this section,~~) a conveyance that serves a
30 boat launching structure and a beach or water surface and is used for
31 the carrying or handling of boats in which people ride;

32 (u) "Limited-use/limited-application elevator" means a power
33 passenger elevator where the use and application is limited by size,
34 capacity, speed, and rise, intended principally to provide vertical
35 transportation for people with physical disabilities;

36 (5) "Escalator" means a power-driven, inclined, continuous stairway
37 used for raising and lowering passengers;

1 (6) "Dumbwaiter" means a hoisting and lowering mechanism equipped
2 with a car (a) that moves in guides in a substantially vertical
3 direction, (b) the floor area of which does not exceed nine square
4 feet, (c) the inside height of which does not exceed four feet, (d) the
5 capacity of which does not exceed five hundred pounds, and (e) that is
6 used exclusively for carrying materials;

7 (7) "Automobile parking elevator" means an elevator: (a) Located
8 in either a stationary or horizontally moving hoistway; (b) used
9 exclusively for parking automobiles where, during the parking process,
10 each automobile is moved either under its own power or by means of a
11 power-driven transfer device onto and off the elevator directly into
12 parking spaces or cubicles in line with the elevator; and (c) in which
13 no persons are normally stationed on any level except the receiving
14 level;

15 (8) "Moving walk" means a passenger carrying device (a) on which
16 passengers stand or walk and (b) on which the passenger carrying
17 surface remains parallel to its direction of motion;

18 (9) "Belt manlift" means a power driven endless belt provided with
19 steps or platforms and a hand hold for the transportation of personnel
20 from floor to floor;

21 (10) "Department" means the department of labor and industries;

22 (11) "Director" means the director of the department or his or her
23 representative;

24 (12) "Inspector" means an elevator inspector of the department or
25 an elevator inspector of a municipality having in effect an elevator
26 ordinance pursuant to RCW 70.87.200;

27 (13) "Permit" means a permit issued by the department to erect,
28 construct, install, alter, modernize, relocate, or operate a
29 conveyance;

30 (14) "Person" means this state, a political subdivision, any public
31 or private corporation, any firm, or any other entity as well as an
32 individual;

33 (15) "One-man capacity manlift" means a single passenger, hand-
34 powered counterweighted device, or electric-powered device, that
35 travels vertically in guides and serves two or more landings;

36 (16) "Private residence conveyance" means a conveyance installed in
37 or on the premises of a single-family dwelling and operated for
38 transporting persons or property from one elevation to another;

1 (17) "Material hoist" means a hoist that is not a part of a
2 permanent structure used to raise or lower materials during
3 construction, alteration, or demolition. It is not applicable to the
4 temporary use of permanently installed personnel elevators as material
5 hoists;

6 (18) "Material lift" means a lift that (a) is permanently
7 installed, (b) is comprised of a car or platform that moves in guides,
8 (c) serves two or more floors or landings, (d) travels in a vertical or
9 inclined position, (e) is an isolated, self-contained lift, (f) is not
10 part of a conveying system, and (g) is installed in a commercial or
11 industrial area not accessible to the general public or intended to be
12 operated by the general public;

13 (19) "Casket lift" means a lift that (a) is installed at a
14 mortuary, (b) is designed exclusively for carrying of caskets, (c)
15 moves in guides in a basically vertical direction, and (d) serves two
16 or more floors or landings;

17 (20) "Wheelchair lift" means a lift that travels in a vertical or
18 inclined direction and is designed for use by physically handicapped
19 persons;

20 (21) "Stairway chair lift" means a lift that travels in a basically
21 inclined direction and is designed for use by physically handicapped
22 persons;

23 (22) "Personnel hoist" means a hoist that is not a part of a
24 permanent structure, is installed inside or outside buildings during
25 construction, alteration, or demolition, and used to raise or lower
26 workers and other persons connected with, or related to, the building
27 project. The hoist may also be used for transportation of materials;

28 (23) "Advisory committee" means the elevator advisory committee as
29 described in this chapter;

30 (24) "Elevator helper/apprentice" means a person who works under
31 the general direction of a licensed elevator mechanic. A license is
32 not required to be an elevator helper/apprentice;

33 (25) "Elevator mechanic" means any person who possesses an elevator
34 mechanic license in accordance with this chapter and who is engaged in
35 erecting, constructing, installing, altering, (~~servicing~~ ~~[servicing]~~),
36 repairing, wiring, dismantling, modernizing, relocating, or maintaining
37 (~~elevators or related~~) conveyances covered by this chapter;

1 (26) "License" means a written license, duly issued by the
2 department, authorizing a person, firm, or company to carry on the
3 business of erecting, constructing, installing, altering,
4 (~~servicing,~~) repairing, wiring, dismantling, modernizing, relocating,
5 or maintaining (~~elevators or related~~) conveyances covered by this
6 chapter;

7 (27) "Elevator contractor license" means a license that is issued
8 to an elevator contractor who has met the qualification requirements
9 established in RCW 70.87.240;

10 (28) "Elevator mechanic license" means a license that is issued to
11 a person who has met the qualification requirements established in RCW
12 70.87.240;

13 (29) "Licensee" means the elevator mechanic or elevator contractor;

14 (30) "Repair" means a process for the purpose of ensuring
15 performance in accordance with this chapter and not amounting to an
16 alteration, in which a part, device, or component that is basically the
17 same as the original is replaced, or the original is rehabilitated,
18 reconditioned, or renewed and returned into place;

19 (31) "Replacement" or "replace" means a process for the purpose of
20 ensuring performance in accordance with this chapter and not amounting
21 to an alteration, in which a new part, device, or component is
22 substituted for a part, device, or component that is removed in its
23 entirety;

24 (32) "Maintenance" means a scheduled or routine process for the
25 purpose of ensuring performance in accordance with this chapter and not
26 amounting to an alteration, in which parts, devices, or components are
27 examined, serviced, lubricated, cleaned, repaired, replaced, or
28 adjusted;

29 (33) "Alteration" means any process, including but not limited to
30 the replacement or repair of any part, device, or component modifying
31 any safety system, speed control, or travel of the conveyance. An
32 alteration requires testing of the conveyance before it is placed in or
33 returned to service. The department may identify by rule processes or
34 activities that constitute an alteration;

35 (34) "Public agency" means a county, incorporated city or town,
36 municipal corporation, state agency, institution of higher education,
37 political subdivision, or other public agency and includes any

1 department, bureau, office, board, commission, or institution of such
2 entity;

3 (35) "Platform" means a rigid surface that is maintained in a
4 horizontal position at all times when in use, and upon which passengers
5 stand or a load is carried.

6 **Sec. 2.** RCW 70.87.020 and 2002 c 98 s 2 are each amended to read
7 as follows:

8 (1) The purpose of this chapter is to provide for safety of life
9 and limb, to promote safety awareness, and to ensure the safe, design,
10 mechanical and electrical operation, erection, installation,
11 construction, alteration, maintenance, (~~(inspection, and repair)~~)
12 relocation, wiring, dismantling, or modernization of conveyances, and
13 all such operation, erection, installation, alteration, inspection, and
14 repair subject to the provisions of this chapter shall be reasonably
15 safe to persons and property and in conformity with the provisions of
16 this chapter and the applicable statutes of the state of Washington,
17 and all orders, and rules of the department. The use of unsafe and
18 defective lifting devices imposes a substantial probability of serious
19 and preventable injury to employees and the public exposed to unsafe
20 conditions. The prevention of these injuries and protection of
21 employees and the public from unsafe conditions is in the best interest
22 of the people of this state. (~~(Elevator)~~) Personnel performing work
23 covered by this chapter must, by documented training or experience or
24 both, be familiar with the operation and safety functions of the
25 components and equipment. Training and experience must include, but
26 not be limited to, recognizing the safety hazards and performing the
27 procedures to which (~~they~~) the personnel performing work covered by
28 this chapter are assigned in conformance with the requirements of (~~the~~
29 ~~{this}~~) this chapter. This chapter establishes the minimum standards
30 for (~~elevator~~) personnel performing work on conveyances.

31 (2) This chapter is not intended to prevent the use of systems,
32 methods, or devices of equivalent or superior quality, strength, fire
33 resistance, code effectiveness, durability, and safety to those
34 required by this chapter, provided that there is technical
35 documentation to demonstrate the equivalency of the system, method, or
36 device, as prescribed in this chapter and the rules adopted under this
37 chapter.

1 (3) In any suit for damages allegedly caused by a failure or
2 malfunction of the conveyance, conformity with the rules of the
3 department is prima facie evidence that the operation, erection,
4 installation, alteration, maintenance, and inspection(~~(, and repair)~~)
5 of the conveyance is reasonably safe to persons and property.

6 **Sec. 3.** RCW 70.87.030 and 2002 c 98 s 3 are each amended to read
7 as follows:

8 The department shall adopt rules governing the mechanical and
9 electrical operation, erection, installation, alterations, inspection,
10 construction, acceptance tests, relocation, modernization, wiring,
11 dismantling, and (~~repair~~) maintenance of conveyances that are
12 necessary and appropriate and shall also adopt minimum standards
13 governing existing installations. In the execution of this rule-making
14 power and before the adoption of rules, the department shall consider
15 the rules for the safe mechanical operation, erection, installation,
16 alteration, inspection, and (~~repair~~) maintenance of conveyances,
17 including the American National Standards Institute Safety Code for
18 Personnel and Material Hoists, the American Society of Mechanical
19 Engineers Safety Code for Elevators, Dumbwaiters, and Escalators, and
20 any amendatory or supplemental provisions thereto. The department by
21 rule shall establish a schedule of fees to pay the costs incurred by
22 the department for the work related to administration and enforcement
23 of this chapter. Nothing in this chapter limits the authority of the
24 department to prescribe or enforce general or special safety orders as
25 provided by law.

26 The department may consult with: Engineering authorities and
27 organizations concerned with standard safety codes; rules and
28 regulations governing the operation, maintenance, servicing,
29 construction, alteration, installation, and/or inspection of
30 (~~elevators, dumbwaiters, and escalators, etcetera~~) conveyances; and
31 the qualifications that are adequate, reasonable, and necessary for the
32 elevator mechanic, contractor, and inspector.

33 **Sec. 4.** RCW 70.87.050 and 2002 c 98 s 4 are each amended to read
34 as follows:

35 The operation, construction, erection, installation, alteration,
36 maintenance, inspection, modernization, wiring, and (~~repair~~)

1 dismantling of any conveyance located in, or used in connection with,
2 any building owned by the state, a county, or a political subdivision,
3 other than those located within and owned by a city having an elevator
4 code, shall be under the jurisdiction of the department.

5 **Sec. 5.** RCW 70.87.060 and 1983 c 123 s 6 are each amended to read
6 as follows:

7 (1) The person erecting, constructing, installing, relocating,
8 modernizing, repairing, wiring, dismantling, or altering a conveyance
9 is responsible for its operation and maintenance until the department
10 has issued an operating permit for the conveyance, except during the
11 period when a limited operating permit in accordance with RCW
12 70.87.090(2) is in effect, and is also responsible for all tests of a
13 new, relocated, or altered conveyance until the department has issued
14 an operating permit for the conveyance.

15 (2) The owner or his or her duly appointed agent shall be
16 responsible for the safe operation and proper maintenance of the
17 conveyance after the department has issued the operating permit and
18 also during the period of effectiveness of any limited operating permit
19 in accordance with RCW 70.87.090(2). The owner shall be responsible
20 for all periodic tests required by the department.

21 **Sec. 6.** RCW 70.87.080 and 1983 c 123 s 8 are each amended to read
22 as follows:

23 (1) An installation or alteration permit shall be obtained from the
24 department before erecting, constructing, installing, relocating,
25 modernizing, wiring, dismantling, or altering a conveyance in any place
26 or structure.

27 (2) The installer of the conveyance shall submit an application for
28 the permit in duplicate, in a form that the department may prescribe.

29 (3) The permit issued by the department shall be kept posted
30 conspicuously at the site of installation.

31 (4) No permit is required for repairs and replacement normally
32 necessary for maintenance and made with parts of equivalent materials,
33 strength, and design.

34 (5) After July 1, 2004, the department may issue an installation or
35 alteration permit only to the holder of a valid elevator contractor's
36 license under this chapter.

1 **Sec. 7.** RCW 70.87.110 and 1983 c 123 s 12 are each amended to read
2 as follows:

3 (1) The requirements of this chapter are intended to apply to all
4 conveyances except as modified or waived by the department. They are
5 intended to be modified or waived whenever any requirements are shown
6 to be impracticable, such as involving expense not justified by the
7 protection secured. However, the department shall not allow the
8 modification or waiver unless equivalent or safer construction is
9 secured in other ways. An exception applies only to the installation
10 covered by the application for waiver.

11 (2) The provisions of RCW 70.87.180(2), 70.87.230, and
12 70.87.240(2), insofar as they relate to the maintenance of a conveyance
13 other than a passenger elevator to which access by the general public
14 is not restricted, do not apply to a conveyance used in a facility in
15 which agricultural products are stored, food products are processed,
16 goods are manufactured, energy is generated, or similar industrial or
17 agricultural processes are performed, if the owner of the conveyance:

18 (a) Provides to all employees required or allowed to perform
19 maintenance on the conveyance adequate training to ensure the safety of
20 employees and adherence to the published operating specifications of
21 the conveyance manufacturer;

22 (b) Allows and restricts maintenance to be performed on the
23 conveyance to only:

24 (i) A licensed elevator contractor or mechanic;

25 (ii) A worker who (A) is regularly employed by the owner; (B) has
26 successfully completed the training required by (a) of this subsection;
27 and (C) has attained journeyman status in an electrical or mechanical
28 trade, only if the employer has or utilizes an established journeyman
29 program to train its electrical or mechanical trade employees and such
30 employees perform conveyor maintenance in the course of their regular
31 employment; or

32 (iii) A person authorized under subsection (3) of this section; and

33 (c) Maintains a (i) maintenance log describing the maintenance work
34 performed on the conveyance and identifying the person who performed
35 the work; and (ii) training log for each employee allowed to perform
36 conveyance maintenance describing the course of study provided,
37 including whether it is general or conveyance specific, and identifying

1 when the employee has successfully completed the training required by
2 (a) of this subsection and when such training was completed.

3 (3) The provisions of RCW 70.87.180(2), 70.87.230, and
4 70.87.240(2), insofar as they relate to the installation or maintenance
5 of a material lift, conveyor, and related equipment that is subject to
6 the standard designation B20.1 as established by the American Society
7 of Mechanical Engineers and not designed or intended to convey one or
8 more workers, do not apply to a person performing such work if:

9 (a) The person is employed by a licensed elevator contractor
10 engaged in the business of installing and maintaining such equipment
11 and has successfully completed a course of training, including any
12 training provided by the manufacturer, to ensure the safety of
13 employees and adherence to the published installation and operating
14 specifications of the conveyance manufacturer; and

15 (b) The employer maintains a (i) log identifying the equipment
16 installed or maintained, describing the work performed, and identifying
17 the person who performed the work; and (ii) training log describing the
18 course of study applicable to each conveyance and identifying each
19 employee who has successfully completed the training required by (a) of
20 this subsection and when such training was completed.

21 (4) The provisions of RCW 70.87.180(2), 70.87.230, and
22 70.87.240(2), insofar as they relate to the maintenance of a conveyance
23 located in a private residence, do not apply to a person performing
24 such maintenance work at the direction of the owner if the owner of the
25 conveyance and the residence resides in the residence where the
26 conveyance is located.

27 (5) It is a violation of RCW 49.17.060 for:

28 (a) An owner to allow a conveyance covered by subsection (2) of
29 this section to be maintained by a person other than as qualified
30 pursuant to subsection (2)(b) of this section; or

31 (b) An owner or employer to fail to maintain records required under
32 subsection (2)(c) or (3)(b) of this section.

33 **Sec. 8.** RCW 70.87.125 and 2002 c 98 s 6 are each amended to read
34 as follows:

35 (1) A license issued under this chapter may be suspended, revoked,
36 or subject to civil penalty by the department upon verification that
37 any one or more of the following reasons exist:

1 (a) Any false statement as to a material matter in the application;
2 (b) Fraud, misrepresentation, or bribery in securing a license;
3 (c) Failure to notify the department and the owner or lessee of
4 ~~((an elevator))~~ a conveyance or related mechanisms of any condition not
5 in compliance with this chapter; and

6 (d) A violation of any provisions of this chapter.

7 (2) The department may suspend or revoke a permit if:

8 (a) The permit was obtained through fraud or by error if, in the
9 absence of error, the department would not have issued the permit;

10 (b) The conveyance for which the permit was issued has not been
11 constructed, installed, maintained, or repaired in accordance with the
12 requirements of this chapter; or

13 (c) The conveyance has become unsafe.

14 (3) The department shall suspend any license issued under this
15 chapter promptly after receiving notice from the department of social
16 and health services that the holder of the license has been certified
17 pursuant to RCW 74.20A.320 as a person who is not in compliance with a
18 support order. If the person has continued to meet all other license
19 requirements during the suspension, reissuance of the certificate of
20 licensure shall be automatic upon the department's receipt of a release
21 issued by the department of social and health services stating that the
22 person is in compliance with the order.

23 (4) The department shall notify in writing the owner, licensee, or
24 person installing the conveyance, of its action and the reason for the
25 action. The department shall send the notice by certified mail to the
26 last known address of the owner or person. The notice shall inform the
27 owner or person that a hearing may be requested pursuant to RCW
28 70.87.170.

29 ~~((4))~~ (5)(a) If the department has suspended or revoked a permit
30 or license because of fraud or error, and a hearing is requested, the
31 suspension or revocation shall be stayed until the hearing is concluded
32 and a decision is issued.

33 (b) If the department has revoked or suspended a license because
34 the ~~((elevator personnel))~~ licensee performing the work covered by this
35 chapter is working in a manner that does not effectively prevent
36 injuries or deaths or protect employees and the public from unsafe
37 conditions as is required by this chapter, the suspension or revocation

1 is effective immediately and shall not be stayed by a request for a
2 hearing.

3 (c) If the department has revoked or suspended a permit because the
4 conveyance is unsafe or is not constructed, installed, maintained, or
5 repaired in accordance with this chapter, the suspension or revocation
6 is effective immediately and shall not be stayed by a request for a
7 hearing.

8 ~~((+5+))~~ (6) The department must remove a suspension or reinstate a
9 revoked license if the licensee pays all the assessed civil penalties
10 and is able to demonstrate to the department that the licensee has met
11 all the qualifications established by this chapter.

12 ~~((+6+))~~ (7) The department shall remove a suspension or reinstate
13 a revoked permit if a conveyance is repaired or modified to bring it
14 into compliance with this chapter.

15 **Sec. 9.** RCW 70.87.170 and 2002 c 98 s 8 are each amended to read
16 as follows:

17 (1) Any person aggrieved by an order or action of the department
18 denying, suspending, revoking, or refusing to renew a permit or
19 license; assessing a penalty for a violation of this chapter; or
20 ordering the operation of a conveyance to be discontinued, may request
21 a hearing within fifteen days after notice ~~((+of+))~~ of the department's
22 order or action is received. The date the hearing was requested shall
23 be the date the request for hearing was postmarked. The party
24 requesting the hearing must accompany the request with a certified or
25 cashier's check for two hundred dollars payable to the department. The
26 department shall refund the two hundred dollars if the party requesting
27 the hearing prevails at the hearing; otherwise, the department shall
28 retain the two hundred dollars.

29 If the department does not receive a timely request for hearing,
30 the department's order or action is final and may not be appealed.

31 (2) If the aggrieved party requests a hearing, the department shall
32 ask an administrative law judge to preside over the hearing. The
33 hearing shall be conducted in accordance with chapter 34.05 RCW.

34 **Sec. 10.** RCW 70.87.180 and 2002 c 98 s 9 are each amended to read
35 as follows:

36 (1) The construction, erection, installation, relocation,

1 alteration, (~~maintenance,~~) modernization, wiring, dismantling, or
2 operation of a conveyance without a permit by any person owning or
3 having the custody, management, or operation thereof, except as
4 provided in RCW 70.87.080 and 70.87.090, is a misdemeanor. Each day of
5 violation is a separate offense. No prosecution may be maintained
6 where the issuance or renewal of a permit has been requested but upon
7 which no action has been taken by the department.

8 (2) The construction, erection, installation, relocation,
9 alteration, maintenance, (~~or operation~~) modernization, wiring, or
10 dismantling of a conveyance without a license by any person except as
11 provided in RCW 70.87.110 is a misdemeanor. Each day of violation is
12 a separate offense. No prosecution may be maintained where the
13 issuance or renewal of a license has been requested by an applicant but
14 upon which no action has been taken by the department.

15 **Sec. 11.** RCW 70.87.220 and 2002 c 98 s 11 are each amended to read
16 as follows:

17 The department may adopt the rules necessary to establish and
18 administer the elevator safety advisory committee. The purpose of the
19 advisory committee is to advise the department on the adoption of rules
20 that apply to conveyances; methods of enforcing and administering this
21 chapter; and matters of concern to the conveyance industry and to the
22 individual installers, owners, and users of conveyances. (~~The~~
23 ~~advisory committee consists of five persons appointed by~~) The director
24 of the department or his or her designee with the advice of the chief
25 elevator inspector shall appoint the advisory committee members as
26 follows: One registered architect or professional engineer with
27 experience in the elevator industry; one employee of a licensed
28 elevator contractor who qualifies for or possesses an elevator mechanic
29 license; one contractor qualifying for or possessing an elevator
30 contractor license; one employer whose agricultural or industrial
31 facilities use conveyances in one or more storage or manufacturing
32 process; one employee who has five or more years' experience repairing
33 or maintaining conveyances for one such agricultural or industrial
34 employer; one manufacturer of conveyances; and one ad hoc member
35 representing a municipality with jurisdiction over conveyances under
36 RCW 70.87.200. The committee members shall serve four years.

1 The committee shall meet on the third Tuesday of February, May,
2 August, and November of each year, and at other times at the discretion
3 of the chief of the elevator section. The committee members shall
4 serve without per diem or travel expenses.

5 The chief elevator inspector shall be the secretary for the
6 advisory committee.

7 **Sec. 12.** RCW 70.87.230 and 2002 c 98 s 10 are each amended to read
8 as follows:

9 Except as provided by RCW 70.87.110, no person shall erect,
10 construct, wire, install, alter, replace, maintain, ((remove))
11 relocate, modernize, or dismantle any conveyance ((contained within a
12 building or structures)) within the jurisdiction of this state unless
13 he or she has an elevator mechanic license and the person is working:
14 (1) For an owner, as defined in RCW 70.87.010(1) that operates a
15 facility described in RCW 70.87.110(2); (2) for a public agency, as
16 defined in RCW 70.87.010(34); or (3) under the direct supervision of a
17 person, firm, or company who has an elevator ((contractors
18 {contractor})) contractor license pursuant to this chapter.

19 A person, firm, public agency, or company is not required to have
20 an elevator ((contractors {contractor})) contractor license for
21 removing or dismantling conveyances that are destroyed as a result of
22 a complete demolition of a secured building or structure or where the
23 building is demolished back to the basic support structure whereby no
24 access is permitted therein to endanger the safety and welfare of a
25 person.

26 **Sec. 13.** RCW 70.87.240 and 2002 c 98 s 12 are each amended to read
27 as follows:

28 (1) Any person, firm, or company wishing to engage in the business
29 of erecting, constructing, installing, altering, servicing, replacing,
30 repairing, relocating, wiring, dismantling, modernizing, or maintaining
31 ((elevators, dumbwaiters, escalators, or moving sidewalks)) conveyances
32 within the jurisdiction of the department must make application for
33 ((a)) an elevator contractor license with the department on a form
34 provided by the department and be a registered general or specialty
35 contractor under chapter 18.27 RCW.

1 (2) Except as provided by RCW 70.87.110, any person wishing to
2 ~~((engage in installing, altering, repairing, or servicing elevators,~~
3 ~~dumbwaiters, escalators, or moving sidewalks))~~ erect, construct,
4 install, alter, repair, maintain, relocate, modernize, wire, or
5 dismantle conveyances within the jurisdiction of the department must
6 make application for ((a)) an elevator mechanic license with the
7 department on a form provided by the department.

8 (3) No elevator contractor license may be granted to any person or
9 firm who has not proven to possess the following qualifications:

10 (a) Five years' work experience in the elevator industry in
11 construction, maintenance, and service or repair, as verified by
12 current and previous elevator contractor ~~((licenses))~~ licensed to do
13 business; or

14 (b) Satisfactory completion of a written examination administered
15 by the department on this chapter and the rules adopted under this
16 chapter.

17 (4) No elevator mechanic license may be granted to any person who
18 has not proven to possess the following qualifications:

19 (a) An acceptable combination of documented experience and
20 education credits: Not less than three years' work experience in the
21 elevator industry, in construction, or maintenance and service or
22 repair, as verified by current and previous public agency employers and
23 employers licensed to do business in this state; and

24 (b) Satisfactory completion of a written examination administered
25 by the department on this chapter and the rules adopted under this
26 chapter.

27 (5) Any person who furnishes the department with acceptable proof
28 that he or she has worked for at least three consecutive years as an
29 elevator constructor, or as a conveyance maintenance or repair person
30 shall upon making application for a license and paying the license fee
31 is entitled to receive a license without an examination. The person
32 must have:

33 (a) Worked without direct and immediate supervision for ~~((an~~
34 ~~elevator))~~ (i) a general or specialty contractor ~~((licensed to do~~
35 ~~business))~~ registered under chapter 18.27 RCW and engaged primarily in
36 the business of installing conveyances in this state; (ii) a public
37 agency; or (iii) a conveyance owner. This employment may not be less
38 than each and all of the three years immediately ~~((before June 13,~~

1 2002)) preceding July 1, 2004. The person must make application within
2 ((~~one year of June 13, 2002~~)) ninety days after July 1, 2004, or the
3 effective date of rules adopted under this chapter establishing license
4 requirements;

5 (b) Obtained a certificate of completion and successfully passed
6 the mechanic examination of a nationally recognized training program
7 for the elevator industry such as the national elevator industry
8 educational program or its equivalent; or

9 (c) Obtained a certificate of completion of an apprenticeship
10 program for an elevator mechanic, having standards substantially equal
11 to those of this chapter, and registered with the Washington state
12 apprenticeship and training council.

13 (6) A license must be issued to an individual holding a valid
14 license from a state having entered into a reciprocal agreement with
15 the department and having standards substantially equal to those of
16 this chapter, upon application and without examination.

17 (7) The department shall adopt rules that become effective on or
18 after July 1, 2004, to implement this section and RCW 70.87.250.

19 **Sec. 14.** RCW 70.87.250 and 2002 c 98 s 13 are each amended to read
20 as follows:

21 (1) Upon approval of an application, the department may issue a
22 license that is ((~~biannually~~ [~~biennially~~])) biennially renewable. The
23 fee for the license and for any renewal shall be set by the department
24 in rule.

25 (2) The department may issue temporary elevator mechanic licenses.
26 These temporary elevator mechanic licenses will be issued to those
27 certified as qualified and competent by licensed elevator contractors.
28 The company shall furnish proof of competency as the department may
29 require. Each license must recite that it is valid for a period of
30 thirty days from the date of issuance and for such particular
31 ((~~elevators~~)) conveyances or geographical areas as the department may
32 designate, and otherwise entitles the licensee to the rights and
33 privileges of an elevator mechanic license issued in this chapter. A
34 temporary elevator mechanic license ((~~must~~)) may be renewed by the
35 department and a fee as established in rule must be charged for any
36 temporary elevator mechanic license or renewal.

1 (3) The renewal of all licenses granted under this section is
2 conditioned upon the submission of a certificate of completion of a
3 course designed to ensure the continuing education of licensees on new
4 and existing rules of the department. The course must consist of not
5 less than eight hours of instruction that must be attended and
6 completed within one year immediately preceding any license renewal.

7 (4) The courses must be taught by instructors through continuing
8 education providers that may include, but are not limited to,
9 association seminars and labor training programs. The department must
10 approve the continuing education providers. All instructors must be
11 approved by the department and are exempt from the requirements of
12 subsection (3) of this section with regard to his or her application
13 for license renewal, provided that such applicant was qualified as an
14 instructor at any time during the one year immediately preceding the
15 scheduled date for such renewal.

16 (5) A licensee who is unable to complete the continuing education
17 course required under this section before the expiration of his or her
18 license due to a temporary disability may apply for a waiver from the
19 department. This will be on a form provided by the department and
20 signed under the pains and penalties of perjury and accompanied by a
21 certified statement from a competent physician attesting to the
22 temporary disability. Upon the termination of the temporary
23 disability, the licensee must submit to the department a certified
24 statement from the same physician, if practicable, attesting to the
25 termination of the temporary disability. At which time a waiver
26 sticker, valid for ninety days, must be issued to the licensee and
27 affixed to his or her license.

28 (6) Approved training providers must keep uniform records, for a
29 period of ten years, of attendance of licensees, and these records must
30 be available for inspection by the department at its request. Approved
31 training providers are responsible for the security of all attendance
32 records and certificates of completion. However, falsifying or
33 knowingly allowing another to falsify attendance records or
34 certificates of completion constitutes grounds for suspension or
35 revocation of the approval required under this section.

36 **Sec. 15.** RCW 70.87.260 and 2002 c 98 s 14 are each amended to read
37 as follows:

1 This chapter cannot be construed to relieve or lessen the
2 responsibility or liability of any person, firm, or corporation owning,
3 operating, controlling, maintaining, erecting, constructing,
4 installing, altering, inspecting, testing, (~~or repairing~~) wiring, or
5 dismantling any (~~elevator~~) conveyance or other related mechanisms
6 covered by this chapter for damages to person or property caused by any
7 defect therein, nor does the state assume any such liability or
8 responsibility therefore or any liability to any person for whatever
9 reason whatsoever by the adoption of this chapter or any acts or
10 omissions arising hereunder.

11 NEW SECTION. **Sec. 16.** The elevator safety advisory committee
12 shall review chapter 70.87 RCW as it pertains to conveyances located in
13 private residences and shall report its findings and recommendations to
14 the legislature by January 1, 2004.

15 NEW SECTION. **Sec. 17.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and takes effect
18 immediately.

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